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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,247	03/19/2004	Kenneth M. LiDonnici P.E.	1363-2	7467

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David M. Carter, Esq.
Carter, DeLuca, Farrell & Schmidt, LLP
Suite 225
445 Broad Hollow Road
Melville, NY 11747

EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,247

Applicant(s)

LIDONNICI P.E., KENNETH M.

Examiner

William M Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/2/04
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM M. PIERCE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Claim Rejections - 35 USC § 112***

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, one cannot determine whether a "system" is drawn to a method or an apparatus. The claim should be amended to make this explicit. Further, one cannot determine from the preamble whether or not a "diagramless crossword puzzle" or "a solution grid" is being claimed in combination. While the preamble only functionally refers to each, the body of the claim positively refers them rendering the scope of the claim in question. "The completion system" is inconsistent and lacking a clear antecedent. Claim 9 fails to further limit the claimed invention. It appears to merely duplicate the inferred combination recited in the preamble of claim 2. In claim 12, "the solution grid", "the rectilinear array of cells", "[the] corner cells", "the final letter", "the puzzle on other overlays" (only a first overly has been place by the recited method) and "the diagram" lack a proper antecedent basis. Claim 15 fails to further limit the previous claim since "determining..." is not a positive physical step. Claim 16 is inapt since one cannot determine the physical steps required. Further "[the] Across clues and Down clues", "clue number" and identifying indicia" lack a proper antecedent. In claim 17, "the step of determining the length", "the first answer" and "the number of a second Across clue" lack a proper antecedent basis. In claim 18, "the number of a third Across clue", in claim 19, "the Across clues" and "the down clues" and claim 20 "the solution grid" and in claim 21 "the puzzle on the overlays" and "the solution grid" lack a proper antecedent. Claim 24 fails to further limit claim 12, since "rectilinear array of cells" on the solution grid is recited in claim 12, ln. 8. The structural relationship of claim 27 to the previously recited steps is not clear.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 12, 13, 15, 16, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtis 4,209,173.

The instant claims require a plurality of flexible overlays (col. 78, ln. 2) and each having a grid defining an array of cells. The grids in fig. 6 are shown to be "flexible" and are considered to show an "array of cells 92. Since

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this claim is being treated as an apparatus claim for the purposes of examination, the remaining recitations of "wherein..." are considered functional and fail to distinguish over the applied art. As to claim 15 the size and the solution in Curtis is predetermined prior to the start of the game as shown in his fig. 1. Across and down clues sharing a common number with identifying indicia as called for by claim 16 is old and well known to cross word puzzles and are considered shown.

Claim Rejections - 35 USC § 103

Claims 4-11, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis in view of matters old and well known.

As to claims 4 and 5, Curtis shows corner securement means 68. Well known to paper apparatus is the use of repositionable adhesive in order to secure them relative to one another. To have replaced the securing means of Curtis with adhesive would have been an obvious matter of selecting one know means of securing sheets of material for that of another. As to claims 6-9, Curtis shows single sheets. To make sheet materials with a plurality to each sheet separated by perforations and joined in a stack is well known to make it easier to manufacture and store. To have make the sheets of Curtis in a booklet containing a plurality of overlays per page separated by a perforation would have been obvious in order to make the overlays easier to manufacture. Instructions and clues as called for by claims 10 and 11 are old and well known to cross word puzzles and are considered shown.

Claims 14 and 17-26 appear to be allowable over the art of record if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claim 14, Curtis fails to fairly teach placing another overlay over a portion of the first overlay.

Curtis fails to subtract one from the number of the second Across clue in determining a length of the answer as called for in claims 17-26.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roth, Kelly and Sturtz show Bingo games.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail

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address bill.pierce@USPTO.gov or at telephone number (571) 272-4414.

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.



WILLIAM M. PIERCE
PRIMARY EXAMINER